

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

BOYD WAYNE THOMASSON

Debtor

Case No. 20-30796-KRH

Chapter 7

MOTION TO REOPEN CHAPTER 7 BANKRUPTCY CASE

COMES NOW the Debtor, Boyd Wayne Thomasson, (hereinafter “Debtor”) by counsel, Suad Bektic of the firm New Day Legal, PLLC, and he hereby moves this Honorable Court to reopen his Chapter 7 bankruptcy case. In support of his Motion, the Debtor respectfully states the following:

JURISDICTION

1. This is a core proceeding pursuant to 28 U.S.C. §157 (b)(2).
2. Venue is proper in this District under 28 U.S.C. § 1409(a).
3. Pursuant to local rule or other order of the District Court, all bankruptcy cases and all proceedings that arise under Title 11 have been referred, as permitted by 28 U.S.C. § 157, to the United States Bankruptcy Court for the Eastern District of Virginia.

THE DEBTOR

4. The Debtor, Boyd Wayne Thomasson, filed the subject bankruptcy case pursuant to Chapter 7 of the Bankruptcy Code on February 14, 2020, and Peter J. Barrett was appointed the Chapter 7 Trustee to administer the case.
5. The Chapter 7 Trustee’s Report of No Distribution was filed on May 13, 2020, and the Debtor received a discharge on July 10, 2020.

6. The bankruptcy case was closed by the Court on July 13, 2020.

GROUND TO REOPEN THE BANKRUPTCY CASE

7. Mr. Thomasson has a pending class-action personal injury claim against 3M Company et al, pending in the U.S. District Court for the Northern District of Florida under Case Number 8:20-cv-19779-MCR-HTC. When the Chapter 7 case was filed, although the Debtor had been solicited by a nationwide advertisement to participate in the class-action suit, the Debtor did not reveal to Counsel or to the Trustee his interest in the claim.

8. The attorney representing Mr. Thomasson in the personal injury claim has advised the Debtor that Schedules B and C should be amended to reflect this claim and that doing so will be important to successful prosecution and resolution of the claim.

9. The Debtor seeks to reopen his Chapter 7 case in order to file amended Schedules B and C, based on the recommendation of his personal injury attorney.

10. Pursuant to Section 350(b) of the Bankruptcy Code, 11 U.S.C. § 350(b), a case may be reopened “to accord relief to the debtor.”

11. Relief can be accorded to the Debtor and cause exists in this case to reopen the bankruptcy case.

12. Pursuant to Rule 5010 of the Federal Rules of Bankruptcy Procedure, when the case is reopened pursuant to Section 350(b) of the Bankruptcy Code, a trustee shall not be appointed unless the court determines that a trustee is necessary to protect the interests of creditors and the Debtor or to insure efficient administration of the case. The Debtor does not believe that a trustee is necessary in the reopened case.

WHEREFORE, the Debtor prays that this Court enter an Order reopening his Chapter 7 bankruptcy case and that no trustee be appointed in the reopened case, and for such other and further relief deemed meet and just.

Respectfully submitted,

BOYD WAYNE THOMASSON
By Counsel

NEW DAY LEGAL, PLLC

/s/ Suad Bektic

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CERTIFICATE OF SERVICE

I hereby certify that on 7th day of May, 2024, a true copy of the foregoing Motion to Reopen Chapter 7 Bankruptcy Case was mailed, via first class postage paid, or served via the CM/ECF system, to all creditors and parties in interest.

/s/ Suad Bektic

Suad Bektic

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